

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff

:

:

vs.

:

CRIMINAL NO. 1:CR-01-195-05
CIVIL NO. 1:CV-06-1591

:

ANTHONY BRAXTON,
Defendant

:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

A hearing on defendant's § 2255 petition began on December 20, 2006. Counsel for the government announced that it had just filed a written motion for downward departure (filed December 20, 2006) based upon defendant's post-sentencing substantial assistance, which was outlined for the court. The defendant and his counsel indicated that in consideration of the government's filing defendant elected to withdraw his 28 U.S.C. § 2255 petition. Defendant also requested that he be resentenced immediately and the court granted said request. Based on the government's motion the court in imposing sentence reduced defendant's sentence of imprisonment to a term of 84 months.

In consideration of this background it is Ordered as follows:

1. Defendant's petition under 28 U.S.C. § 2255, withdrawn by defendant on December 20, 2006, is dismissed.

2. The original term of imprisonment, imposed at sentencing on June 24, 2002, (120 months) is vacated.

3. A new term of imprisonment is imposed (as of December 20, 2006) of eighty-four (84) months. Defendant shall be credited with all time served to date. All other terms of the sentence imposed on June 24, 2002, shall continue to be in effect.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: January 3, 2007